

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4072 of 2025**

Arising Out of PS. Case No.-140 Year-2025 Thana- BHORE District- Gopalganj

Pankaj Sah S/o Shiv Shankar Sah R/o Village- Piyaarauta, P.S.- Bhore,
District- Gopalganj, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Anchal Kumari D/o Ramnikshatra Ram @ Chhatar Ram R/o Village-
Piyaarauta, P.S.- Bhorey, District- Gopalganj, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Indrajeet Bhushan, Advocate
For the Respondent/s	:	Mr. Binay Krishna, APP
For the Informant	:	Mr. Kumar Kaushlendra, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 22-01-2026 Heard learned counsel for the appellant, learned Special
Public Prosecutor for the State and learned counsel for the
informant.

2. The instant appeal has been filed by the appellant
against the order dated 18.08.2025 passed by learned ADJ-XI-
cum-Exclusive Special Judge, SC/ST Act, Gopalganj whereby
the prayer for bail of the appellant in connection with Bhore PS
Case No. 140 of 2025 instituted under Section 64 of the
Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r)(s) & 3(2)
(va) of SC/ST Act was rejected.



3. Prosecution case, in short, is that appellant allegedly maintained a physical relationship with the informant for about one and a half years on the false promise of marriage but later refused to marry her. Subsequently, her family arranged her marriage elsewhere, after which appellant repeatedly called her and disclosed their past relationship to her husband with intent to defame her.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. It is mainly submitted that victim is major and there is delay of about two months in lodging the FIR. It is next submitted that since victim is major and sexual relationship established, if any, shall be construed to be consensual in nature. Learned counsel for the appellant has further placed reliance on cases of the Hon'ble Supreme Court since reported in ***2018 SCC Online SC-3100 (Dr. Dhruvaram Murlidhar Sonar versus The State of Maharashtra & Ors)*** and ***(2019) 9 SCC 608 (Pramod Suryabhan Pawar vs. The State of Maharashtra and Ors.)***. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is



made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 18.08.2025 and has no criminal antecedent.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 18.08.2025 passed by learned ADJ-XI-cum-Exclusive Special Judge, SC/ST Act, Gopalganj is hereby set aside.

7. Let the appellant be released on bail on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bhore PS Case No. 140 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellant.

(II) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the



bail bonds of the appellant.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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